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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

ROBERT BOWERS,

Plaintiff,

v.

PABLO AGUILAR; ONE WORLD DELIVERY
CORP.,

Defendants.

Case No. 20CV17996

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendants Pablo Aguilar and One World Delivery Corp. (“Defendants”) hereby remove to this court, the state court action currently pending in Oregon Circuit Court, Lane County, case no. 20CV17996 (“the State Court Action”), as described below.

1. This is a civil action over which the court has original jurisdiction under 28 U.S.C. § 1332, and which may be removed to this court pursuant to 28 U.S.C. § 1441(a), because the matter in controversy exceeds \$75,000 and is between citizens of different states.

a. Amount in Controversy – The First Amended Complaint seeks a total of \$1,550,000.00 in alleged damages. (Exhibit D, First Amended Complaint, ¶¶ 15-17);

1 b. Citizens of Different States – At both the time of the initiation of the state-
2 court action and the time of the filing of this Notice of Removal:

3 i. Plaintiff Robert Bowers was a Washington citizen;

4 ii. Defendant Pablo Aguilar was domiciled in Texas;

5 iii. Defendant One World Delivery Corporation was a now-defunct
6 Nevada corporation which, prior to being defunct, had its principal place of
7 business in Nevada.

8 Thus, there is complete diversity of citizenship.

9 2. On or about July 7, 2020, plaintiff purportedly commenced service of the First
10 Amended Complaint by mail. The First Amended Complaint was the first pleading from which
11 it could be ascertained that the case had become removable, because it was the first pleading
12 from which a defendant that was domiciled in Oregon was removed. Without conceding that
13 service and/or the summons were sufficient, or that the time to remove the State Court Action to
14 this court began running on that date, this Notice of Removal is filed within 30 days from July 7,
15 2020.

16 2. Venue is proper in the United States District Court, District of Oregon, Eugene
17 Division, because it is the district and division embracing the place where the State Court
18 Action is pending (Lane County). *See* 28 U.S.C. §1441(a); LR 3-2(a)(4).

19 3. Defendant is unaware of any further proceedings that have occurred in the State
20 Court Action other than the filing of the action, notices of representation filed on behalf of One
21 World Delivery Corp., Inc. and previous defendant One World Delivered Corp., and the filing
22 of the First Amended Complaint.

23 4. Attached are copies of all process, pleadings, and orders served upon defendants
24 in the state court action:

25 a. The initial Complaint (Exhibit A);

26 b. Summons served on One World Delivery Corporation (Exhibit B);

1 c. Summons served on Pablo Aguilar (Exhibit C);

2 d. The First Amended Complaint (Exhibit D).

3 5. In filing this notice, Defendants do not waive any defenses or claims, including
4 (but not limited to) any defenses based on jurisdiction, service, or statute of limitations.

5 DATED: July 14, 2020.

6 COSGRAVE VERGEER KESTER LLP

7 *Kenneth J. Abere, Jr.*

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CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2020, I caused the foregoing **NOTICE OF REMOVAL OF ACTION** to be served on the following individuals at the following address by the method indicated:

- ☐ by personal delivery;
- ☒ by placing the document(s) in the U.S. Mail, first class postage prepaid;
- ☒ by email (courtesy copy);
- ☐ by facsimile transmission, printed confirmation of receipt attached;
- ☐ by overnight delivery.

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Attorneys for Plaintiff

Dated: July 14, 2020.

Kenneth J. Abere, Jr.

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